

HUMAN SERVICES DEPARTMENT[441]

Adopted and Filed Emergency After Notice

Pursuant to the authority of Iowa Code section 514I.1(2), the Department of Human Services amends Chapter 86, “Healthy and Well Kids in Iowa (HAWK-I) Program,” Iowa Administrative Code.

These amendments reflect programmatic changes affecting the HAWK-I Program as required by the federal Patient Protection and Affordable Care Act. These amendments specifically change the income guidelines to reflect the modified adjusted gross income (MAGI)-equivalent guidelines given to the state by the Centers for Medicare and Medicaid Services (CMS). MAGI is a national standard by which all states must consider family income when determining eligibility for participation in insurance affordability programs (Medicaid, Children’s Health Insurance Program (CHIP), and plans offered through the Health Insurance Marketplace/Exchange). CMS took the Department’s current income guidelines for eligibility and premiums and converted them to their MAGI-equivalent levels. The conversion took into account the deductions and disregards that were allowed under pre-MAGI rules but that are no longer allowed under the MAGI methodology.

Notice of Intended Action for these amendments was published in the Iowa Administrative Bulletin as **ARC 1183C** on November 13, 2013. The Department received no comments from the public concerning the Notice of Intended Action. These amendments are identical to those published under Notice of Intended Action.

The HAWK-I Board adopted these amendments on December 18, 2013.

Pursuant to Iowa Code section 17A.5(2)“b”(2), the Department finds that the normal effective date of these amendments, 35 days after publication, should be waived and the amendments made effective January 1, 2014. These amendments confer a benefit on the public by bringing the HAWK-I Program into compliance with federal regulations, as required by Iowa Code section 514I.1(2).

These amendments do not provide for waivers in specified situations because requests for the waiver of any rule may be submitted under the Department’s general rule on exceptions at 441—1.8(17A,217).

After analysis and review of this rule making, no impact on jobs has been found.

These amendments are intended to implement Iowa Code section 514I.1(2).

These amendments became effective January 1, 2014.

The following amendments are adopted.

ITEM 1. Amend **441—Chapter 86**, preamble, as follows:

PREAMBLE

These rules define and structure the department of human services healthy and well kids in Iowa (HAWK-I) program and establish requirements for the third-party administrator responsible for the program administration and for the participating health and dental plans that will be delivering services to the enrollees. The purpose of this program is to provide transitional health and dental care coverage to children who are ineligible for Title XIX (Medicaid) assistance as set forth in this chapter. The program is implemented and administered in compliance with Title XXI of the federal Social Security Act. The rules establish requirements for the third-party administrator responsible for the program administration and for the participating health and dental plans that will be delivering services to the enrollees. This chapter shall be construed to comply with all requirements for federal funding under Title XXI of the Social Security Act or under the terms of any applicable waiver of Title XXI requirements granted by the Secretary of the U.S. Department of Health and Human Services. To the extent this chapter is inconsistent with any applicable federal funding requirement under Title XXI or the terms of any applicable waiver, the requirements of Title XXI or the terms of the waiver shall prevail.

ITEM 2. Amend paragraph **86.2(2)“a”** as follows:

a. *Countable income.* In determining initial and ongoing eligibility for the HAWK-I program, countable income shall not exceed ~~300~~ 302 percent of the federal poverty level for a family of the same size. Countable income shall be determined using the modified adjusted gross income methodology.

ITEM 3. Amend subrule 86.8(1) as follows:

86.8(1) *Income considered.* The income considered in determining the premium amount shall be the family's countable income ~~minus 20 percent of the family's earned income~~ using the modified adjusted gross income methodology.

ITEM 4. Amend subrule 86.8(2) as follows:

86.8(2) *Premium amount.* Except as specified for supplemental dental-only coverage in subrule ~~86.20(4)~~ 86.20(3), premiums under the HAWK-I program shall be assessed as follows:

a. No premium is charged if:

(1) The eligible child is an American Indian or Alaskan Native; or

(2) The family's countable income is less than ~~150~~ 181 percent of the federal poverty level for a family of the same size.

b. If the family's countable income is equal to or exceeds ~~150~~ 181 percent of the federal poverty level for a family of the same size but does not exceed ~~200~~ 242 percent of the federal poverty level for a family of that size, the premium is \$10 per child per month with a \$20 monthly maximum per family.

c. If the family's countable income is equal to or exceeds ~~200~~ 243 percent of the federal poverty level for a family of the same size, the premium is \$20 per child per month with a \$40 monthly maximum per family.

ITEM 5. Amend subrule 86.20(3) as follows:

86.20(3) *Premiums.* Premiums for participation in the supplemental dental-only plan are assessed as follows:

a. No premium is charged to families who meet the provisions of ~~paragraph 86.8(2) "a."~~ subparagraph 86.8(2) "a"(1) or to families whose countable income is less than 152 percent of the federal poverty level for a family of the same size using the modified adjusted gross income methodology.

b. If the family's countable income is equal to or exceeds ~~150~~ 152 percent of the federal poverty level but does not exceed ~~200~~ 203 percent of the federal poverty level for a family of the same size, the premium is \$5 per child per month with a \$10 monthly maximum per family.

c. If the family's countable income exceeds ~~200~~ 203 percent of the federal poverty level but does not exceed ~~250~~ 254 percent of the federal poverty level for a family of the same size, the premium is \$10 per child per month with a \$15 monthly maximum per family.

d. If the family's countable income exceeds ~~250~~ 254 percent of the federal poverty level ~~but does not exceed 300 percent of the federal poverty level~~ for a family of the same size, the premium is \$15 per child per month with a \$20 monthly maximum per family.

e. and *f.* No change.

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EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 1/8/14.